

UNITED STATES DISTRICT COURT

DISTRICT OF RHODE ISLAND  
JOHN O. PASTORE FEDERAL BUILDING  
PROVIDENCE, RHODE ISLAND 02903-1779

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LINCOLN D. ALMOND  
UNITED STATES  
MAGISTRATE JUDGE

January 26, 2017

Mr. Richard Paiva  
ID# 86429  
P.O. Box 8200  
Cranston, RI 02920

Re: "Motion for Further Relief"

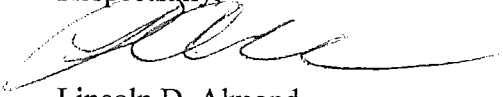
Dear Mr. Paiva:

I am writing in response to your January 15, 2017 letter to Chief Judge Smith requesting that he personally review your Motion for Further Relief, allow the Motion to be filed with the Court and to rule on its merit. During 2016, you submitted similar documents to the Court on three occasions which, after review, were all refused and returned to you. After review, I am again refusing and returning your submissions to you.

First, I understand that you are not claiming any individual violations of the "Morris Rules" presumably because this Court has no jurisdiction over such claims. See Doctor v. Wall, 143 F. Supp. 2d 203, 204-205 (D.R.I. 2001). Second, I understand that you are trying to pursue an argument that the Department of Corrections is in contempt of Court by violating the consent decree and injunction issued over forty years ago in the Morris case. You are seeking to proceed by way of a Motion for Further Relief pursuant to 28 U.S.C. § 2202 and not a new lawsuit presumably because it has been held that an ACI inmate does not have a cause of action in this Court for contempt against the DOC for alleged violations of the Morris Rules. See Cugini v. Ventetuolo, 781 F. Supp. 107 (D.R.I. 1992). Third, I understand your contempt allegation is based on a claim that the Morris Rules have been unlawfully modified and/or terminated by the DOC. However, since this Court has previously held that such rules are not contained in or part of any decree or order issued by this Court, they are State rules "to be enforced, if at all, by state machinery." Doctor v. Wall, 143 F. Supp. 2d at 204. Thus, you have no legal basis to seek such contempt relief by Motion in a closed federal case.

If you believe in good faith that your individual federal rights have been violated in any way, you are well aware from your history of filings in this Court of the proper way to initiate a lawsuit under 42 U.S.C. § 1983.

Respectfully,



Lincoln D. Almond  
United States Magistrate Judge

Copies to: The Honorable William E. Smith, Chief Judge